GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

P. O. Box 9 ● Odanah, WI 54861 ● 715/682-6619 ● FAX 715/682-9294

● MEMBER TRIBES ●

MICHIGAN	WISCONSIN		MINNESOTA
Bay Mills Community	Bad River Band	Red Cliff Band	Fond du Lac Band
Keweenaw Bay Community	Lac Courte Oreilles Band	St. Croix Chippewa	Mille Lacs Band
Lac Vieux Desert Band	Lac du Flambeau Band	Sokaogon Chippewa	

Via Electronic Mail / Original by Mail

April 13, 2012

Memorandum

To: Jean Battle, USACE, Regulatory Project Manager
Melanie Haveman, USEPA, Watersheds and Wetlands

From: John Coleman, Environmental Section Leader

Re: Kennecott Eagle Haul Road (County Road 595)

GLIFWC staff remain concerned about the characterization and environmental impacts of the road for which Marquette County Road Commission (MCRC) has now applied for permits. The project has changed very little since it was initially proposed by Kennecott Minerals to haul ore from their mine to their processing plant. Many of our previous concerns still remain. Those concerns include:

Inadequate/Inaccurate Description of Project Purpose:

Although the route of CR 595 is nearly identical to that for the Woodland Road, proposed by Kennecott Mineral as a mine haul road, the justification for this proposed road is now rather more expansive. The road still appears to be the shortest route between Kennecott's Eagle Mine and Kennecott's mill at Humboldt. The supposition that the forest products, recreational and emergency service users will, coincidentally, find the route between the Humboldt Mill and the Eagle Mine to be the most useful route to their purposes is not credible. While there may be incidental users of the road, it is clear that the road and the proposed route is a mine haul road and part of the Kennecott Eagle Project. Although there are claims to the contrary by the county road commission, there appears to be no documented public need for the road. This appears to be a private mine haul road cloaked in the mantle of public need. The real Purpose and Need for this project should be stated in a more straight forward manner and the project evaluated for what it really is, a mine haul road.

Wetland Creation:

The applicant proposes to create 40 acres of forested wetland. Creation of forested wetlands is difficult and in many cases fails to provide functional values equal to those provided by natural forested wetlands. The 5 year monitoring proposed in the application is inadequate given the long time required for the establishment and development of forested wetlands and their functional values.

Some of the restoration sites involve removal of a large amount of soil to establish the desired wetland elevation. For example, the Dead River East site would remove up to 32 feet of

overlying soil during wetland creation. Two other mitigation sites involve existing road rerouting. Earth moving and road rerouting add to the overall disturbance from the project and should be evaluated as a project impact.

Haul Road Spillage, Tracking and Dusting:

Mine haul roads, particularly those with high grade ore, as is the case with the Eagle Project, have a history of dusting, tracking and spillage of ore. While controls can be implemented that would reduce dusting, tracking and spillage of high-grade ore, the application does not address these issues. Probably the most thoroughly documented site with such problems is the haul road for the Red Dog Mine in Alaska. Kennecott claims that haul trucks will be covered, however, other sites have found contamination regardless of truck covers. There are factors that are not controlled by truck covers that may contribute to road-side soil contamination. For example, Kennecott's ability to operate the truck wash at the mine site during winter months has not been demonstrated and other mines have had to suspend washing during freezing conditions. In addition, the exterior of trucks may be contaminated with ore particles at the Humboldt Mill prior to making the return trip. Contamination of the roadbed and the adjacent landscape with mine related materials must be considered in the description and evaluation of the project. The project documents should include a description of ore dusting, tracking, and spillage issues along the road and how the project will mitigate those impacts. Until demonstrated otherwise, runoff from the road should be considered to have been in contact with reactive and leachable ore dust and be treated before release to waterways.

Chemicals, fluids and blasting materials will be hauled to the Eagle Mine along the mine haul road. Analysis and discussion of spillage and response to spills of mine related chemicals and fluids should be included in the project application. Regardless of the dusting and spillage of mining materials, a road through a remote area will lead to new introductions of salts and hydrocarbons to local waterways. Impacts from these to the local aquatic communities has not been adequately addressed nor mitigation proposed.

Other Routes Fulfill Need:

Although the proposed route may fulfill the need of Kennicott Minerals for a haul road, it is unclear that the proposed route is the best of the alternatives for the other needs. For example, it is unclear how the needs of those seeking the solitude of a wilderness area are served by the construction of a road with a 55 mph design speed within that wilderness area.

Visual and Noise Impact Analysis:

The region proposed for the road hosts some of the remaining remote lands in the eastern U.S. including a federal Wilderness Area. There has been no impact analysis conducted to determine how the road may impact the existing Wilderness Area The road passes over high terrain just 1.4 miles from the McCormick Tract Wilderness Area. The noise impact analysis that was conducted focused on areas away from the proposed route and far from the Wilderness Area. The noise study in "Revised Alternatives Analysis and Project Assessment For Proposed County Road 595" (pages 155-162 of file: wrd-cr595-aapa-report_374683_7.pdf) found little impact from noise along the proposed CR595 route simply because study sites were not located along that route. Only one noise study site was near the proposed CR 595 route but was so close to State Hwy 41 (1/3 mile distant) as to be unrepresentative of the remote conditions along the preponderance of the proposed route (Figure 5-11, attached). At a minimum the McCormick

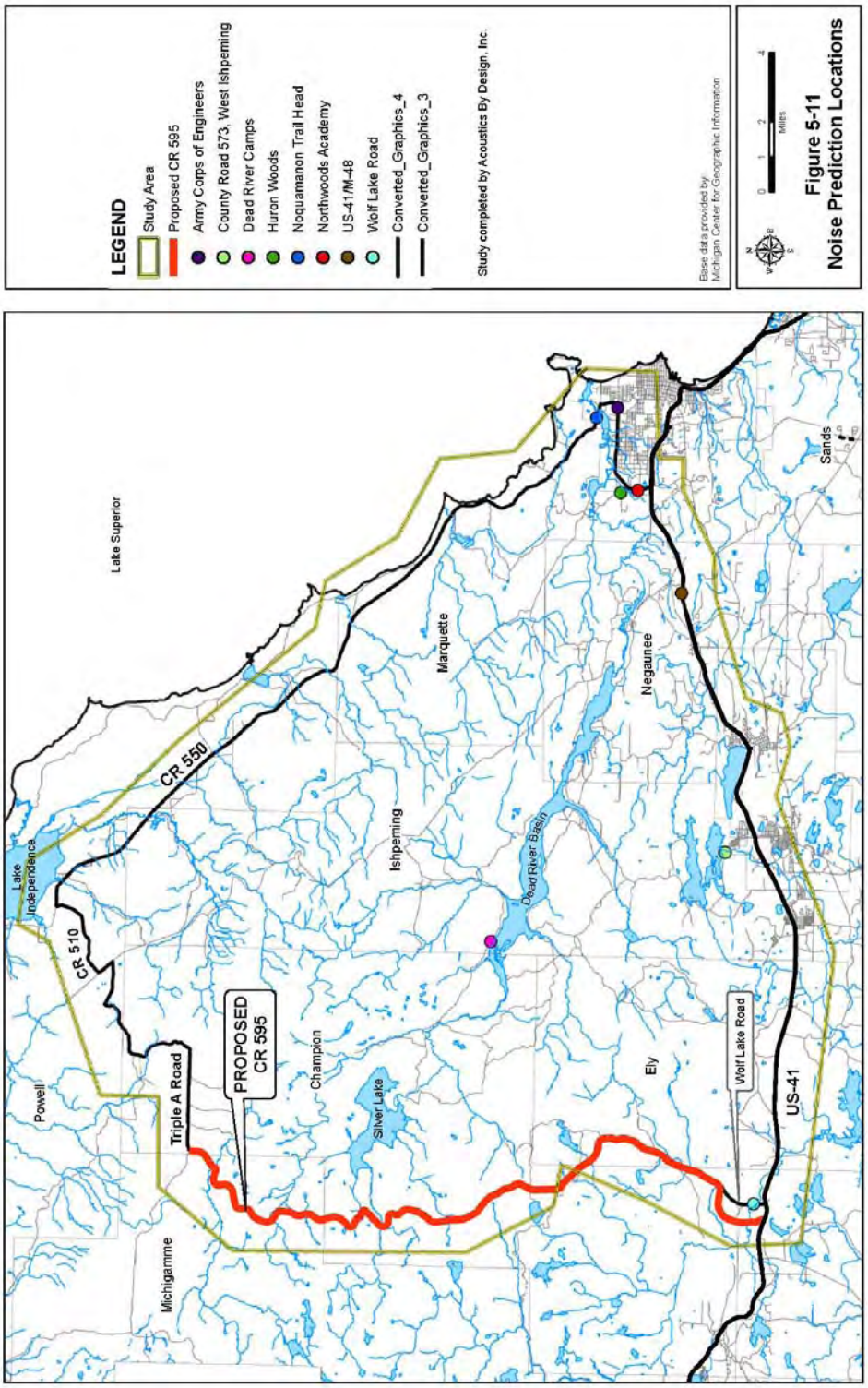
Tract Wilderness Area, the campsite at the Yellow Dog River crossing, and Wolf, Brocky and Silver Lakes should be used as receptors for visual and noise impact analysis.

Wetland Mitigation Alternative Concept:

MCRC has proposed that in order to preserve valuable upland forest, instead of wetland creation, stream restoration projects be implemented. While this concept may have some merit, a more effective method of preserving valuable upland forest would be to not construct CR 595. The proposed road bed is expected to cover approximately 172 acres (21.4 miles X 66 feet) of habitat. Of that, 26 acres is expected to be wetlands and 146 acres to be upland forest.

Thank you for considering these points and we look forward to opportunities to discuss these issues with you.

cc: Neil Kmiecik, GLIFWC Biological Services Director
Ann McCammon Soltis, GLIFWC Division of Intergovernmental Affairs Director
Jason Stark, GLIFWC Policy Analyst


LEGEND
Study Area
Proposed CR 595
Army Corps of Engineers
County Road 573, West Ishpeming
Dead River Camps
Huron Woods
Noquemanon Trail Head
Northwoods Academy
US-41/M-48
Wolf Lake Road
Converted_Graphics_4
Converted_Graphics_3
Study completed by Acoustics By Design, Inc.
Base data provided by Michigan Center for Geographic Information
Miles
Figure 5-11
Noise Prediction Locations
Lake Superior
Sands
Marquette
Negaunee
CR 550
Lake Independence
CR 510
Ishpeming
Dead River Basin
PROPOSED CR 595
Triple A Road
Champion
Silver Lake
Ely
Wolf Lake Road
US-41
Powell
Michigamme